REMARKS/ARGUMENTS

Claims 1-5, 7-15 and 17-28 are pending in the application. Claim 1 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-5, 7-15 and 17-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2006/0239453 to Halpern, in view of U.S. Patent Publication No. 2008/0046728 to Lyle. These rejections are respectfully traversed.

Claim 1 has been amended to address the rejection under 35 U.S.C. 112, second paragraph. Withdrawal of that rejection is respectfully requested.

Halpern in view of Lyle fails to provide a prima facie basis for the rejection of claims 1-5, 7-15 and 17-28, because they fail to disclose each element of the claimed invention. Consider claim 1, as amended, which includes a system of digital data encryption in a digital device, comprising an integrated encryption key generator generating at least one key based on input received from an inaccurate timing source, a data buffer, an input/output register that interfaces with memory of the digital device, a control pad coupled to the input/output register and a memory controller that directs digital data from the memory to the data buffer with the digital data passing through the encryption key generator prior to entering the input/output register, wherein the integrated encryption key generator is coupled between the data buffer and the input/output register, and the integrated encryption key generator, the data buffer, the input/output register, the control pad and the memory controller are formed on a single substrate and are accessed through the control pad. Halpern and Lyle do not disclose an integrated encryption key generator, data buffer, input/output register, control pad and memory controller that are formed on a single substrate and are accessed through a control pad. Halpern instead discloses a data encryption system for Internet communication that is implemented in a switching network, and Lyle discloses a method and apparatus for encrypting data transmitted over a serial link that utilizes separate and distinct receivers and transmitters, such that neither Halpern or Lyle are even capable of being formed on a single substrate. Withdrawal of the rejection of claim 1 is respectfully requested.

Claim 9 includes a memory controller that generates a memory request to retrieve the encrypted digital data. Neither Halpern nor Lyle disclose a memory controller, and the term

"memory controller" is not used in either Halpern or Lyle. Withdrawal of the rejection of claim 9 is respectfully requested.

Claim 12 as amended includes generating a plurality of keys based on input received from an inaccurate clock, storing the plurality of keys, placing the digital data in a data buffer; and encrypting the digital data using the at least one of the plurality of keys while the digital data is being placed in a rewritable memory. The Examiner relies on Lyle at paragraphs [0022], [0026], [0055] and [0132], but those paragraphs disclose that Lyle uses a shared secret constant value Km which is shared by the transmitter and receiver, and a transmitter that generates a single random An value that is described at [0016] of Lyle as being a pseudo-randomly generated session value that is generated by the transmitter and sent to the receiver. Lyle therefore fails to disclose generating a plurality of keys based on input received from an inaccurate clock, storing the plurality of keys, placing the digital data in a data buffer; and encrypting the digital data using the at least one of the plurality of keys while the digital data is being placed in a rewritable memory. Withdrawal of the rejection of claim 12 is respectfully requested.

Claim 22 as amended includes a method to decrypt encrypted digital data stored in memory of a digital device, comprising generating a plurality of keys based on input received from an inaccurate clock, generating a memory request to retrieve the encrypted digital data and decrypting the encrypted digital data using one of the plurality of keys. As previously discussed, Lyle fails to disclose generating a plurality of keys based on input received from an inaccurate clock and instead discloses stored constant values of Km at the transmitter and receiver and a single pseudo-randomly generated session An value that is generated by the transmitter and sent to the receiver. Withdrawal of the rejection of claim 22 is respectfully requested.

Claim 25 includes a memory controller that directs the storage of the digital data in the rewritable memory with the digital data being encrypted by the encryption circuit and the at least one key after the digital data has entered the data buffer but prior to being stored in the rewritable memory. As previously discussed, neither Halpern nor Lyle disclose a memory controller or even use the term "memory controller." Withdrawal of the rejection of claim 25 is respectfully requested.

Claim 28 includes the system of claim 1 wherein the memory controller that directs digital data from the memory to the data buffer with the digital data passing through the

encryption key generator prior to entering the input/output register comprises means for encrypting the digital data prior to entering the input/output register. As such, this claim includes terms drafted in means plus function format to invoke 35 U.S.C. 112, sixth paragraph, and the Examiner should examine claim 28 pursuant to MPEP 2181 et seq. The claimed function is encrypting the digital data prior to entering the input/output register. Nothing in paragraph [0063] of Halpern, which is relied upon by the Examiner, discloses this function, and in order to anticipate an element in means plus function form, the prior art must perform the identical function. Furthermore, the structure disclosed in Halpern in Fig. 8 is not identical or equivalent to the structure corresponding to the claimed means plus function element, see, e.g., Figure 1 of the pending application. Withdrawal of the rejection of claim 28 is respectfully requested.

All other claims not specifically addressed are allowable at least for the reasons that they depend from an allowable base claim and add limitations not found in the prior art.
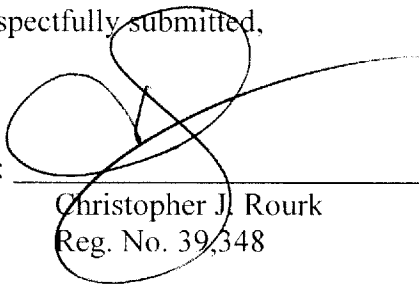
CONCLUSION

In view of the foregoing remarks and for various other reasons readily apparent, Applicant submits that all of the claims now present are allowable, and withdrawal of the rejection and a Notice of Allowance are courteously solicited.

If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the Examiner is hereby requested by the undersigned at (214) 953-5990 so that such issues may be resolved as expeditiously as possible.

No fee is believed due with this response. The Commissioner is hereby authorized to charge any fee or credit any refund to Deposit Account No. 10-0096.

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Respectfully submitted,

By: _____
Christopher J. Rourk
Reg. No. 39,348

Jackson Walker L.L.P.
901 Main Street
Suite 6000
Dallas, Texas 75202
Direct: 214-953-5990
Fax: 214-661-6604
Email: crourk@jw.com